

***PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**

**MINUTES
CITY OF GLENDALE
CITY COUNCIL WORKSHOP
AUGUST 15, 2006
1:30 P.M.**

PRESENT: Mayor Elaine M. Scruggs and Councilmembers Joyce V. Clark, Steven E. Frate, David M. Goulet, H. Phillip Lieberman, and Manuel D. Martinez

ABSENT: Vice Mayor Thomas R. Eggleston

ALSO PRESENT: Ed Beasley, City Manager; Pam Kavanaugh, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

1. 2007 LEAGUE OF ARIZONA CITIES & TOWNS RESOLUTIONS

CITY STAFF PRESENTING THIS ITEM: Ms. Dana Tranberg, Intergovernmental Programs Director and Mr. Brent Stoddard, Legislative Coordinator

This is a request for the City Council to review and provide guidance on the proposed resolutions which will be voted on at the August 22, 2006 League of Arizona Cities and Towns (LACT) Resolutions Committee meeting.

The proposed resolutions provide the basis for the annual League of Arizona Cities & Towns Municipal Policy Statement. Many of these resolutions will be brought forward to the Council for adoption in the City of Glendale 2007 Legislative Agenda.

Each year, the League of Arizona Cities and Towns requests draft resolutions from all municipalities for discussion by the League Resolutions Committee; a committee on which the Mayor sits as the Glendale representative.

Resolutions approved by the Resolutions Committee will become both part of the LACT's Municipal Policy, and draft legislation to be introduced during the upcoming legislative session.

Traditionally, LACT chooses five of the approved resolutions as the priorities for the next legislative session by seeking guidance from each member of the committee. Municipalities are expected to support and advocate for these five resolutions as part of our collective municipal legislative agenda.

Staff is requesting Council to provide policy guidance on the proposed League resolutions.

Ms. Tranberg presented the 2007 League Resolutions. She stated that the purpose of the process is to ensure that the League represents issues endorsed by the majority of the Arizona communities.

Ms. Tranberg said that it is important to note that the City of Glendale has a separate process for establishing the city's legislative agenda, which would be brought forth later this fall. She said that in the fall, they would determine which of these League resolutions would be included in the City of Glendale's agenda and lobbied by the staff in the 2007 legislative session. Ms. Tranberg described the resolution review process.

Ms. Tranberg stated that the sub-committee met and agreed to categorize and prioritize the League's Legislative agenda into four areas: Consent, Discussion, Watch and Not Recommended. She added that categorizing these four areas would assist the resolutions committee with their discussions next week.

Mr. Stoddard added that the Consent List prioritized state shared revenues, etc. He reported that in response to the liquor grill bill that passed last session, his department would improve the city's level of input and representation during the liquor license process. He said staff believes the resolutions that are on the Consent list are consistent with the City's principles and recommended supporting the Consent list.

Councilmember Lieberman had a question on 5 and 6 on the Consent list. He noted the staff's recommendation to support the concept. He stated his preference for total support. He stated he believes it is a great piece of legislation and would give Glendale a bit more control, but ultimately the State Department of Liquor and Control has the final approval with or without the council's input. Mr. Stoddard clarified that resolutions 5 and 6 have been combined into one resolution.

Councilmember Goulet said he had concerns with 5 and 6 being combined. He asked if the intent was to advocate all positions. He added he was concerned when he read all the sub parts. He stated he was not sure how it was going to be supported.

Ms. Tranberg agreed with Councilmember Goulet. She said he raised a good point that was relevant to all of the resolutions. She stated that it was relevant to how they actually come out in the legislative bill form. She indicated that the resolutions could be potentially different in bill form. She said that supporting the resolutions does not necessarily imply that you are supporting all concepts. She noted that the proponents of the resolution are looking at it as potential options, and if it comes forward, then Glendale moves forward with the findings found to be beneficial and most viable at the legislature.

Councilmember Goulet asked if other considerations could be given before it is adopted and sent to the legislature. Ms. Tranberg answered yes.

Councilmember Clark requested more information and clarification on the intent and purpose of Resolutions 11 and 17.

Mr. Stoddard explained Resolution 11 is asking for clarification currently existing in state statute. He said the issue stems from city ordinances and how they are classified and how they are prosecuted. He said a bill was issued to clarify the existing state statute and that civil infractions would be violations of city ordinances and not eligible for payment of attorney fees and/or court costs.

Mr. Stoddard said Resolution 17 is in response to the Legislature placing an unfunded mandate on the City of Chandler to provide fire services to the county islands in Gilbert. He said the court ruled against it. He said that cities were anticipating a bill ensuring that local funds be used for local services. Staff recommends support of Resolution 17.

Councilmember Clark added that she had some concerns but would address them at another time.

Councilmember Martinez asked if this had to do with the fire department's delay in providing services. Mr. Stoddard replied yes.

Councilmember Clark asked if the resolution urges the legislators to consider the impact. Ms. Tranberg answered that it does.

Mayor Scruggs called for further comments. Hearing none, she conveyed the council's unanimous support.

Mayor Scruggs then reviewed the next section that would be brought forth in next Thursday's meeting of the League Resolutions Committee.

Mr. Stoddard started the discussion by saying the three resolutions on the discussion list do not significantly impact the City of Glendale. He said they include jury trials, DUI, and probation fee allocations. He said that city councils that are not structured in districts would not be impacted. He said staff recommends remaining neutral on these 3 resolutions.

Councilmember Lieberman said he needs clarification on number 8. He asked if Glendale had jury trials. Mr. Stoddard replied there were very few trials, which was the reason the staff decided to remain neutral. He said it would have little impact on the city. Councilmember Lieberman suggested this could affect Glendale in the future. He stated he would like this resolution to go on to the Consent list.

Mayor Scruggs said she did not have the power to move it to the Consent list but could possibly change it to support, if the council so wishes.

Councilmember Frate noted that at the bottom of the document it stated that it had been reviewed by the courts. He said he felt confident in staff's recommendation.

Mayor Scruggs added that she had a problem with restricting someone's right to jury trial. She said she would have a problem supporting it.

Mr. Tindall said that jury trials usually happen in criminal cases. They always have a right to jury trials. He explained that the referenced resolution would result in a judge hearing the case instead of a jury. He said, generally, it would not be a high penalty case but a misdemeanor crime.

Councilmember Martinez asked Mr. Tindall if a second offender would be entitled to a jury trial. Mr. Tindall answered yes.

Councilmember Clark said she still had a problem with removing a right to a jury trial. She also expressed concern that the cities would see an increase in misdemeanor cases so as to avoid jury trials.

Mr. Tindall clarified that the city only handles misdemeanor offenses. Felony cases are turned over to the county.

Councilmember Clark stated that there are numerous people that assume that DUI cases are serious offenses and should be considered for jury trials.

Mr. Tindall said he understood her point, but the resolution in question would only change the one aspect of whether or not to have jury trials. It does not change the penalties that are applied.

Councilmember Clark stated she was still not convinced and would still agree with Mayor Scruggs and preserve the right to a jury trial.

Councilmember Martinez said it appears legislators have made it hard on DUI offenders and it is causing problems in the courts. He said that this should not cause the courts to take away the right to a jury trial.

Councilmember Goulet agreed with the resolution simply because having a jury trial does not guarantee the plaintiff the desired outcome. Judges also deal effectively on cases. He said that he is supporting the resolution.

Mayor Scruggs reiterated her concern with impacting a citizen's right to jury trial. For the record, Mayor Scruggs noted that the discussion ended in an impasse, with three in opposition, one in support and two neutral.

Mayor Scruggs asked for any other questions on resolutions 8, 9 or 14.

Councilmember Clark said she needs more information on resolution 14 than was provided. She asked if the resolution applied to any city based on population. Additionally, she saw no reference to a district system in the resolution. She asked to see where it referred to cities with a district system. Ms. Tranberg stated that the actual statutory section and state statute where this change is going to be made is in a different statutory section, and does not apply to our district. She added that while it does not specifically state that, in the resolution, it is the practical impact of this resolution.

Ms. Tranberg confirmed for Councilmember Clark that the immediate effect would be in the state statute, and it would have no relevance to cities that have the district system and municipalities. Ms. Tranberg added that it would be separate from the current systems in Glendale and that the proponents intend to only make it apply to cities that do not have district systems. Councilmember Clark said she would like to insert a sentence, which would make it apply only to municipalities who do not use district systems.

Mayor Scruggs asked what it would accomplish by having that sentence. Ms. Clark said that you would never know what might happen in the future. She said she would like to keep Glendale's system at 5 percent.

Ms. Tranberg interjected that the intent of this resolution was not to apply it to a district system. She added that if the council wanted to address Ms. Clark's concerns, they could have the proponent's state that at the resolution committee and request that it be revised prior to the final adoption in October.

Mayor Scruggs stated that it would be wonderful if 18,000 people voted in a council district race. She said they have not even reached 1,800 people voting. She added that it would be going from 34 signatures necessary to run for office to 1,200 signatures. Councilmembers discussed the basis for determining the number of signatures required.

Councilmembers agreed to submit a request that legislation should reference specifically the statute being amended.

Mayor Scruggs indicated she wished to discuss an item on the Watch List. She said that the legislators let it be known that there are a high number of resolutions being brought forward. She said they questioned the amount of attention paid to each of them. She stated, as a result, the League staff should focus only on those that are most important. She added that it would not be feasible for League staff to present 33 resolutions to legislators.

Mayor Scruggs called for discussion on the Watch List. Ms. Tranberg said there were four Watch issues. She said the first is the payday lending issue. She said cities are looking at local ordinances. She said their recommendation is for it to go on the Watch list. She noted the second is affordable housing incentives. She said that a task force is looking into it. She recommends continued discussions and participation. Ms. Tranberg added the third is rural transportation funding. She said this is a resolution that is listed as not being supported. She said the resolution addresses the need for re-allocating existing funding formulas to provide additional funding for rural transportation. She added they would have to change formulas that have been in place over 20 years. She noted that the funding assumption could jeopardize the viability of other transportation plans. She said they do support their efforts in other funding options but not on change funding assumptions. Ms. Tranberg said the final resolution is the federal regulation act. The federal regulation act is consistent with the Patriot Act. She suggested that the League wants to keep it on the radar screen to make sure cities are implementing the provisions of the Patriot Act. She recommended keeping it on the Watch list.

Mayor Scruggs asked for questions and comments.

Councilmember Clark expressed concern with Resolution 4, affordable housing. She said it should be an individual issue for municipalities and should not be broadly generalized for the entire state. She said Glendale does a good job offering housing products. She added that reducing fees, as an incentive to encourage more affordable housing would not work in Glendale. She said she would not support it.

Councilmember Martinez said he would take the opposite view on this issue. He said because of the recent hike in the housing market, affordable is no longer affordable; there is not enough affordable housing. He stated that he would support the resolution, but would go along with it being left on the Watch list.

Regarding Resolutions on the Watch list, Mayor Scruggs asked if the League is responsible for finding a sponsor or if the cities are responsible for creating legislation or finding a sponsor. Mr. Tindall said it would be the responsibility of the League to secure a sponsor for this legislation. Mayor Scruggs then asked if this were on the Watch list, what would be the staff responsibility at that point. Mr. Tindall said it would be to have continued discussions with other interested parties. Ms. Tranberg answered that the Governor has convened a statewide task force on this subject. The task force is expected to create a package with a list of options that could be used. She said she believes that recommending legislation might be premature.

Mayor Scruggs stated that she hopes the task force looks at the problem as a whole as everything she has seen so far has put the burden on the city. If fees are to be reduced, she said she would like to see the buyer benefit.

Councilmember Lieberman stated he had attended a two-day seminar on an Affordable Housing Board by the National League of Cities. He said it was clear that there is a national problem. He said they discovered there were 11 million renters that could not afford housing.

Mayor Scruggs asked if there were a consensus to leave the resolution on the Watch list. The council responded affirmatively.

Mayor Scruggs called for any other discussion on the Watch list category. There was none.

Ms. Tranberg stated that the staff recommendations were consistent with the committee recommendations.

2. ANNEXATION REQUEST (AN-162): SOUTHEAST CORNER OF SARIVAL AND PEORIA AVENUES

CITY STAFF PRESENTING THIS ITEM: Mr. Jon Froke, AICP, Planning Director, Mr. Ron Short, AICP, Deputy Planning Director and Ms. Kate Langford, Senior Planner

This is a request for the City Council to provide guidance concerning Annexation Request AN-162.

Glendale 2025, the city's General Plan, includes specific goals addressing the need for growth management. Annexation is a tool that can be used by the city to direct and manage growth.

The Council adopted Glendale's first Annexation Policy on December 16, 2003 and amended the Policy on July 12, 2005. The Policy includes a step that incorporates presentation of annexation requests to the Council at a workshop after an analysis of the request has been completed by staff.

The 10.79-acre site is located immediately east of the Loop 303 Corridor at the southeast corner of Sarival and Peoria Avenues.

The property owner of this site is requesting the annexation. The site is adjacent to the Twelve Oaks Subdivision under development in Maricopa County. Currently, the commercial site is vacant.

Glendale's General Plan shows this site as Low Density Residential 1-2.5 dwelling units per acre.

Maricopa County Zoning for this site is C-1 (Commercial).

State law requires that an annexing jurisdiction apply the most comparable city-zoning district to a newly annexed property compared to the existing county zoning. The most comparable Glendale zoning district is C-1 (Neighborhood Commercial).

The annexation analysis of this site indicates that there are no immediate impacts to the City. The development of this site will require the City to provide police, fire and emergency response, as well as sanitation services. Since the parcel is currently undeveloped, the city has the opportunity to plan for the future emergency response and sanitation needs. The AN-162 site is within the service area of the future fire station site in the Woolf Crossing project.

The next step in the process, if Council requests staff to proceed with the annexation, is to record the blank annexation petitions and schedule public hearings for this application as required by Statute.

The annexation of this area will require that any future development meet the Glendale General Plan requirements, as well as all other development standards for the City of Glendale.

Staff is seeking guidance from the Council to continue with the annexation process for this request in accordance with the procedure prescribed in the State Statutes.

Ms. Langford presented this item. She said there were two requests for annexation per the staff report. She added that with these two sites, Glendale continues to solidify its presence along the south side of Peoria Ave., which is the strict annexation border in this particular area.

3. ANNEXATION REQUEST (AN-165): SOUTHEAST CORNER OF 81ST AND ORANGEWOOD AVENUES

CITY STAFF PRESENTING THIS ITEM: Mr. Jon Froke, AICP, Planning Director, Mr. Ron Short, AICP, Deputy Planning Director and Ms. Kate Langford, Senior Planner

This is a request for the City Council to provide guidance concerning annexation request AN-165.

Glendale 2025, the city's General Plan, includes specific goals addressing the need for growth management. Annexation is a tool that can be used by the city to direct and manage growth.

The Council adopted Glendale's first Annexation Policy on December 16, 2003 and amended the Policy on July 12, 2005. The Policy includes a step that incorporates presentation of annexation requests to the Council at a workshop after an analysis of the request has been completed by staff.

The 19.8-acre site is located within an existing county island that has been reducing in size since 2003.

The property owner of this site is requesting the annexation. Richmond American Homes is acting as the owner's representative in this matter and intends on developing a single-family residential subdivision at this location.

Glendale's General Plan shows this site as Low Density Residential 1-2.5 dwelling units per acre.

Maricopa County Zoning for this site is R1-6 (Single Family Residential).

State law requires that an annexing jurisdiction apply the most comparable city-zoning district to a newly annexed property compared to the existing county zoning. The most comparable Glendale zoning district is R1-6 (Single Family Residential).

The annexation analysis of this site indicates that there are no immediate impacts to the City. If annexed, this site would be eligible to connect to Glendale water and sewer service, as well as receive police, fire and sanitation services. When the parcel is developed, development impact fees would be collected.

The next step in the process, if Council requests staff to proceed with the annexation, is to record the blank annexation petitions and schedule public hearings for this application as required by Statute.

The annexation of this area will require that any future development meet the Glendale General Plan requirements, as well as all other development standards for the City of Glendale.

Staff is seeking guidance from the Council to continue with the annexation process for this request in accordance with the procedure prescribed in the State Statutes.

Ms. Langford called for questions and discussion on both annexation issues.

Councilmembers Clark and Frate stated their support.

Councilmember Lieberman said he supports it as well but asked why the city is not considering a larger blanket annexation for that area. Ms. Langford explained they do encourage it where applicable.

Mayor Scruggs called for questions on the two issues. None were forthcoming. She directed staff to bring the items forward.

ADJOURNMENT

The meeting was adjourned at 2:40 p.m.